

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DENNIS ALLEN, *et al.*,

Plaintiffs

v.

C-1-01-159

JOHN CRARY, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 88), third party defendants' Polly Jones and Shirley Monroe's Motion to Review Report and Recommendation (doc. no. 99) and defendant John Crary's response (doc. no. 110). The Magistrate Judge recommended that Third-Party Defendants' Motion to Dismiss (doc. no. 49) be **DENIED**.

Third Party Defendants object to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

Upon a *de novo* review of the record, especially in light of Third Party Defendant's objections, the Court finds that the objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby **ADOPTS AND INCORPORATES HEREIN BY REFERENCE** the Report and Recommendation of the United States Magistrate Judge (doc. no. 88). Plaintiff's Motion to Dismiss (doc. no. 49) is **DENIED**. This matter is **RECOMMITTED** to the United States Magistrate Judge for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court

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